IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 12690 of 2005

Between:

Sri Venkateswara Educational Society,

Rep. by its Secretary Correspondent,
Village/Mandal: Kotturu,

District: Srikakulam-532 415, A.P.

..... PETITIONER

AND

1 The Secretary,

A.P. State Counsel for Higher Education(APSCHE)
Saifabad, Hyderabad-500 004.
2 The Vice Chairman (VC) Andhra University (AU)
Visakhapatnam (A.P)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order directions more in the nature of writ of Mandamus declaring the in action of the Respondents on the representation dt.19-5-05 made by the petitioner as illegal and unconstitutional and for a consequential direction to the Respondent No.2 to conduct a fair Inspection or alternatively not considering the Prima facie facts is illegal, arbitrary, discriminatory, violative of Articles 14 and 21 of the Constitution of India and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.ANGURU.NARAYANA RAO

Counsel for the Respondents: MR.V.RAJAGOPAL REDDY

The Court at the stage of admission made the following :

ORDER:

This writ petition is filed by the petitioner aggrieved by the proposed action of the respondents in granting permission to the new Degree Colleges.

2. According to the petitioner, the petitioner has established a Decree College in Kotturu Village/Mandal, Srikakulam District. Even the existing petitioner's college is not getting sufficient students to fill all the sanctioned seats, and therefore, they are running the college with less than 60% of the sanctioned strength. In the present circumstances, if permissions are granted to establish new Colleges, it would worsen the situation, and the petitioner may not be in a position to run the college, which is already established. Therefore, sought for a direction not to grant further permissions for establishing new colleges. The said contention is opposed by the respondents.

3. At the time of hearing, however, it is represented that in similar matter in the case of **Sri Chaitanya Degree College, Near Bus Station, Cherial, Warangal District v. State of A.P.,** in W.P.No.6218 of 2005 dated 24-03-2005, this Court directed the respondents to consider the objections filed by the existing institutions, and sought for similar orders.

4. The learned counsel appearing for the official respondents, however, contended that the applications have already been considered and the matters are at the final stage and in some cases even orders might have been passed.

5 . Under the above circumstances, taking into account the orders already

passed by this Court, the official respondents are directed to consider the objections of the petitioner, if no orders have already been passed, before considering the applications made for establishing new colleges.

6. Accordingly, the writ petition is disposed of. No order as to costs.

_____

S.ANANDA REDDY, J

16th June, 2005

Note:

Furnish C.C by tomorrow.

B/o.

SKM

To

1 The Secretary,

A.P. State Counsel for Higher Education(APSCHE)
Saifabad, Hyderabad-500 004.

2 The Vice Chairman (VC) Andhra University (AU)
Visakhapatnam (A.P)

3 Two CD copies